

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAYMOND JAMES FINANCIAL SERVICES,
INC. ,

Petitioner,

10 Civ. 8672 (JGK)

- against -

BRUCE KATZ,

Respondent.

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The Court has entered the judgment proposed by the plaintiff, to which the defendant did not respond, with two exceptions.


First, the contractual rate of 10% interest should apply only on the unpaid amount to the date of judgment, and not until the date of payment. See Westinghouse Credit Corp. v. D'Urso, 371 F.3d 96, 102 (2d Cir. 2004). A separate post-judgment interest rate applies to the amount of the judgment. See 28 U.S.C. § 1961.

Second, the amount of attorneys' fees and costs should not be included in the judgment. Rather, the Court will consider the request for attorneys' fees and costs to be a motion for relief. See Fed R. Civ. P. 54(d)(2). The defendant should

respond to that motion by August 5, 2011. The plaintiff may
reply by August 15, 2011.

SO ORDERED.

Dated: New York, New York
July 20, 2011



John G. Koeltl
United States District Judge